

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

John Doe,

Plaintiff,

v.

Gerard Sheridan, et al.,

Defendants.

No. CV-23-01938-PHX-SMM

ORDER

This matter is before the Court on four unopposed Motions to Seal filed by the parties. (Docs. 60, 63, 67, 71). For the reasons stated below, the Court grants the Motions.

I. LEGAL STANDARD

There is a “strong presumption in favor of [public] access to court records.” Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003). The determination of whether filed motions and documents may be filed under seal or must remain accessible to the public “turn[s] on whether the motion is more than tangentially related to the merits of a case.” Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1101 (9th Cir. 2016). If a sealing request concerns materials that are more than tangentially related to the merits of a case, the movant must meet the “compelling reasons” standard. Id. At 1096 (citing Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)).

1 Under the compelling reasons standard, the movant must “articulate compelling
2 reasons supported by specific factual findings that outweigh the general history of access
3 and the public policies favoring disclosure.” Kamakana, 447 F.3d at 1178–79.
4 Compelling reasons may arise when court files may “become a vehicle for improper
5 purposes, ‘such as the use of records to gratify private spite, promote public scandal,
6 circulate libelous statements, or release trade secrets.’” Id. at 1179 (quoting Nixon v.
7 Warner Commc’ns, Inc., 435 U.S. 589, 598 (1978). After considering the competing
8 interests at stake, “if the court decides to seal certain judicial records, it must ‘base its
9 decision on a compelling reason and articulate the factual basis for its ruling, without
10 relying on hypothesis or conjecture.’” Id. at 1179 (quoting Hagestad v. Tragesser, 49 F.3d
11 1430, 1434 (9th Cir. 1995).

12 II. SEALING REQUESTS

13 Each of the parties’ four sealing requests contains the same rationale for sealing
14 the proffered materials: the materials contain Personal Identifying Information (“PII”) of
15 Plaintiff John Doe. The Court has permitted Plaintiff to proceed anonymously in this
16 litigation due to Plaintiff’s sex offender status and prohibited the disclosure of
17 information containing any PII of Plaintiff. (Doc. 8). The Court has also entered a
18 Protective Order, (Doc. 43), for the purpose of facilitating the exchange of information
19 containing Plaintiff’s PII between the parties. The parties’ sealing requests are thus
20 consistent with the Court’s Orders in this matter. The Court has reviewed the material
21 requested to be sealed and finds the parties’ sealing requests to be appropriate and
22 necessary to protect Plaintiff’s PII. Notwithstanding this Order, however, any information
23 under seal shall enter the public domain if the Court determines it necessary to quote such
24 information in an Order entered by the Court.

25 Accordingly,

26 **IT IS ORDERED granting** Plaintiff’s Consent Motion to Seal Portions [of] the
27 Parties’ Joint Stipulation of Facts. (Doc. 60). The Court will maintain as sealed the
28 portions of the parties’ Joint Stipulation of Facts highlighted in yellow.

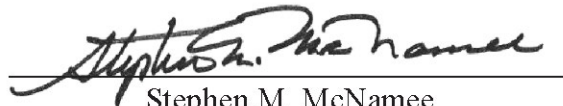
1 **IT IS FURTHER ORDERED granting** Plaintiff's Motion to Seal Portions of
2 Certain Exhibits to Plaintiff's Motion to Exclude the Testimony of Dr. John Lott in
3 Whole and in Part (Doc. 63) The Court will maintain as sealed 1) the portions of Exhibit
4 1 to Plaintiff's Motion to Exclude the Testimony of Dr. John Lott in Whole and in Part
5 that are highlighted in yellow; and 2) the portions of Exhibit 5 to Plaintiff's Motion to
6 Exclude the Testimony of Dr. John Lott in Whole and in Part that are highlighted in red.

7 **IT IS FURTHER ORDERED granting** Plaintiff's Motion to Seal Exhibit 1 to
8 Plaintiff's Separate Statement of Material Facts (Doc. 67). The Court will maintain as
9 sealed Exhibit 1 of Plaintiff's Separate Statement of Material Facts. (Doc. 68).

10 **IT IS FURTHER ORDERED granting** Intervenor-Defendants' Motion to Seal
11 (Doc. 71). The Court will maintain as sealed portions of Intervenor-Defendants' Motion
12 for Summary Judgment and Separate Statement of Facts. (Docs. 72, 73).

13 **IT IS FURTHER ORDERED directing** the Clerk of Court to file under seal the
14 materials at Docs. 61, 64, 65, 68, 72, and 73.

15 Dated this 9th day of May, 2025.

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18 Stephen M. McNamee
19 Senior United States District Judge
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